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LETTER DATED 24 MARCH 1994 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the memorandum of the General Department of Atomic Energy of the Democratic People's Republic of Korea dated 19 March 1994.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Permanent Representative

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Annex

Memorandum dated 19 March 1994 of the General Department of Atomic Energy of the Democratic People's Republic of Korea

We have recently accepted the inspection by the International Atomic Energy Agency (IAEA) needed for maintaining the continuity of safeguards in accordance with the agreed conclusions of the Democratic People's Republic of Korea-United States of America contacts and the Vienna agreement of 15 February 1994 and in keeping with the unique status of the Democratic People's Republic of Korea, which has suspended the effectuation of its announced withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons.

The recent inspection has enabled the Agency secretariat to confirm fully that the continuity of safeguards has been maintained at our nuclear facilities. The Agency secretariat, however, made its unreasonable assessment of the results of the inspection and on that basis it is seeking to convene a meeting of the Board of Governors in an attempt to adopt an unjust "resolution" against the Democratic People's Republic of Korea.

In this connection, the Democratic People's Republic of Korea's General Department of Atomic Energy considers it necessary to set straight the truth behind IAEA's nuclear inspection in our country, and issues the present memorandum.

1. The character and scope of the recent inspection are as follows:

Pursuant to the outcome of the 29 December 1993 Democratic People's Republic of Korea-United States of America contacts on the nuclear issue, the Democratic People's Republic of Korea and IAEA held working-level consultations from 7 January to 15 February this year in Vienna with a view to determining the scope of an inspection needed for the continuity of safeguards.

At the consultations, the Democratic People's Republic of Korea side made it clear that the proposed inspection under discussion would be intended for the continuity of safeguards, and proposed the scope of such an inspection to the Agency. However, the Agency side evaded the discussion of the character of such an inspection from the outset of the consultations, and asked for inspection activities that go far beyond the scope needed for the continuity of safeguards. It accepted that the intended inspection should not include activities of verifying the completeness of the initial inventory of nuclear material, but at the same time asked us to permit the tracing of the exempted nuclear material and the improvement of the already installed spent fuel-rod counter - activities of no relevance at all to the continuity of safeguards - and said that "the inspection in question is the inspection to be performed under the Safeguards Agreement".

The Agency secretariat later withdrew its earlier requests in the face of our legally, scientifically and technologically reasonable points, and agreed to conduct an inspection aimed exclusively at maintaining the continuity of safeguards. This is how the Democratic People's Republic of Korea and IAEA

reached their final agreement on the scope of inspection on 15 February in Vienna.

The agreed inspection is, in terms of time, an activity of verifying that there has been no diversion of nuclear material since the last inspection but does not include, in terms of contents, activities of verifying the completeness of the initial inventory of nuclear material. The Vienna agreement says that the agreed inspection is restricted to providing the continuity of safeguards "but not to perform routine and ad hoc inspections under the Safeguards Agreement. This inspection is aimed to verify non-diversion of nuclear material from the nuclear facilities since the last inspection."

2. We have permitted all the inspection activities specified in the Vienna agreement:

We accepted the IAEA inspection needed for the continuity of safeguards from 1 to 15 March in accordance with the Vienna agreement of 15 February. In accepting the inspection team, we issued entry visas to the IAEA inspectors in time, even before the United States showed any move to implement the agreed simultaneous steps. During the inspection at the seven nuclear facilities, including the experimental nuclear power plant, the radiochemical laboratory and the nuclear fuel-rod fabrication plant, we provided the inspection team with every convenience so as to enable the inspectors to perform their activities - the reloading and servicing of the six surveillance cameras and the spent fuel-rod counter, the replacement of several dozen seals and the thermal luminescence detectors, verification by reading tank levels, gamma-mapping at 15 points, fresh and spent fuel measurements, core fuel and damaged fuel measurements and 35 destructive assay sampling and smear tests with respect to the process scraps and hold-up area, dissolver, waste storage tanks and glove-box area.

We agreed to the requests from the inspection team by showing it all the necessary accounting and operating records and supporting documents for its examination. We afforded active cooperation to the inspectors so that they could smoothly conduct design information verification with regard to any facility modifications or changes in operating conditions. When the Agency inspectors asked for the arrangements needed for the measurements of the damaged fuel at the experimental nuclear power plant, our facility operators provided them with the necessary conditions for their measurements even through complicated process manipulation, despite the risk of exposure to a high-level radioactive dose.

Moreover, when the inspectors proposed a technically impossible way of taking samples in the radiochemical laboratory, our facility operators advanced a realistic way to help them to attain the purpose of their inspection, enabling them to take samples there to support the continuity of safeguards. Under the regulations of the IAEA inspections, IAEA's annual "verification of physical inventory" at a bulk handling facility like our nuclear fuel-rod fabrication plant is supposed to take place only when the operators halt its operation for an overall inventory of the nuclear material.

When the IAEA inspection team asked for the "verification of physical inventory", the operators halted their operation of the necessary process,

although it was not the time for overall inventory-taking, in order to cooperate with inspectors in the work of accounting and measuring the nuclear material held up in the process.

The inspectors thanked us for our cooperation on several occasions. All these facts show that the inspection team carried out all its activities without let or hindrance, as specified in the Vienna agreement. This was mentioned at the informal briefing of the IAEA Board of Governors in Vienna on 16 March, where the IAEA secretariat said that "a great many of the inspection activities agreed to were carried out without obstacles as envisaged".

3. The IAEA secretariat's assessment on the result of the inspection is unreasonable:

No sooner had the inspection team returned than the IAEA secretariat held an informal briefing on 16 March even before the evaluation of the inspection result was available and informed the Board members that "although many of the agreed inspection measures were carried out as envisaged, other important measures which had been agreed were refused".

As a result, the Agency was "not in a position to verify that there had been no diversion of nuclear material at the facility where the relevant measures were rejected". The "refused measures" as described by the IAEA secretariat include the sampling from the input accountability tank of the radiochemical laboratory, gamma mapping in building No. 3 and smear-taking in the glove-box area.

However, we offered our optimal cooperation for all the activities requested by the Agency at these and other facilities. But the "conclusion" that the Agency "was not in a position to verify that there had been no diversion of nuclear material at the radiochemical laboratory" does not stand to reason.

(a) Smear-taking in the glove-box area. The IAEA inspection team requested the smear-taking in the glove-box area on the ground that the surveillance camera had run out of tape and the seals were broken there. During earlier inspections, the inspectors took dozens of smear tests in the glove-box area, but there appeared differences in the measured and analysed value and evaluation of the two sides, which have not yet come to any agreement thereon. In this connection, our side said in its 10 March letter addressed to the inspection team that "this is one of the 'inconsistency' factors".

Therefore, the operator said that he would allow the team to take samples after "clarifying the analytical data of samples taken during previous inspections". But, with a view to maintaining the continuity of safeguards, our operator recommended that the team take samples of the tracer liquid which the inspection team had put into the three tanks during their earlier inspection to freeze this process.

The inspection team agreed to the idea suggested by the operator and retracted its initial request and took solution samples from these tanks. But after taking solution samples, the inspection team abruptly insisted that "the

sampled solution is a good example to show the operator's integrity, but still insufficient for the verification at the glove-box area" and again renewed its request for smear tests.

Such insistence of the inspection team contradicts the IAEA document, which says that "this inspection does not include the verification of the completeness of the initial inventory of nuclear material". This notwithstanding, the IAEA secretariat told the informal briefing that "the smear tests should be taken only after a package agreement had been reached between the Democratic People's Republic of Korea and the United States of America". This is inconsistent with the facts;

(b) Gamma-mapping at filter building No. 3. During the inspection, we permitted "gamma-mapping at a few selected points" where such measurements had taken place before, in line with paragraph 5 of part KDP, chapter II, of the Vienna agreement, and the inspection team performed its gamma-mapping at 15 points. IAEA's request for gamma-mapping at building No. 3 was made for the first time only during the recent inspection.

It is clear to everyone that the repeated measurements at the same points will enable the inspectors to detect any possible changes in the operating status at the specific locations as compared with the previous gamma-mapping. Therefore, the operators said that they would agree to permit gamma-mapping at building No. 3 during the recent inspection if the IAEA inspection team produced any evidence that gamma-mapping had been carried out during the previous inspections at the relevant points of building No. 3. But, without presenting any specific evidence, the inspection team would simply say that the gamma-mapping took place at points of this building, and the very inspector who is alleged to have performed the gamma-mapping said that he himself was not sure of it. According to our records no gamma-mapping has taken place there.

Nevertheless, the IAEA secretariat insisted groundlessly that the Democratic People's Republic of Korea had refused its activities;

(c) Solution sampling from the input accountability tank. The inspection team has no reason at all to ask for sampling at this tank, as the Agency's seals remained intact on the inlet/outlet valves of the tank and the necessary gamma-mapping was carried out during its recent inspection. The team's request runs counter to the Vienna agreement, specifically paragraph 6 in part KDP of chapter II that stipulates that "in the specific locations where seals were broken, samplings are permitted to provide the continuity of safeguards".

When we explained that the solution-sampling at the input accountability tank has no relevance to the continuity of safeguards, the inspection team excused itself for its demand by saying that it had "to request the sampling because the solution-sampling from the input accountability tank is the task from the Agency". The inspection team even attempted to realize its unreasonable demand, saying that "we cannot believe the integrity of the one-year-old seals", even though the original seals which they had placed last August remained unbroken on the inlet/outlet valves of the tank. The unreasonable demands were also revealed in the indecisive way the team once abandoned the requested sampling and then demanded it again.

The inspection team confirmed firsthand that the radiochemical laboratory's operating status remains completely frozen by the double and triple system of containment and surveillance. But the inspection team concluded that it was not in a position to verify that no reprocessing activities had occurred at the facility simply for lack of a few smear tests. This conclusion clearly does not make sense in terms of either its scientific and technological aspects or of reason.

4. The IAEA secretariat must rescind its unjust assessment on the results of the recent inspection:

All the facts prove that there can be no justification whatsoever for the IAEA secretariat's unjust assessment of the results of its recent inspection, either in view of the Vienna agreement of 15 February or from the scientific and technological viewpoints. On the basis of its unjust assessment of the results of the recent inspection, the Agency secretariat, is, however, seeking to adopt another "resolution" provoking the Democratic People's Republic of Korea at the meeting of the Board of Governors, only to broaden its partiality further. If the IAEA secretariat sincerely wants to see a fair solution to our "nuclear issue", it must, inter alia, withdraw its unjust and hasty assessment of the results of its recent inspection.

We express our expectation that the IAEA member States will make their unprejudiced assessment of what has happened between the Democratic People's Republic of Korea and the Agency secretariat, on the basis of the Democratic People's Republic of Korea-United States of America agreed conclusions and the Vienna Democratic People's Republic of Korea-IAEA agreement, and oppose and reject the unjust acts on the part of some officials of the IAEA secretariat.

If the IAEA secretariat continues to broaden its partiality, it will be held responsible for the consequences arising therefrom.